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UNITED STATES OF AMERICA

v.

KHALID SHEIKH MOHAMMED, WALID
MUHAMMAD SALIH MUBARAK BIN
'ATTASH, RAMZI BIN AL SHIBH, ALI
ABDUL AZIZ ALI, MUSTAFA AHMED
ADAM AL HAWSAWI

Defense Motion to
Publicly Release Transcripts
of All Prior Hearings

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16 April 2009

1. **Timeliness:** This Motion is timely.
2. **Relief Sought:** Khalid Sheikh Mohammed, proceeding *pro se*, requests the public release of the transcripts of all prior Military Commission hearings.
3. **Facts:**
 - a. Numerous hearings have been held before the Military Commission in this case.
 - b. Transcripts have been produced of all the prior hearings of the Military Commission.
 - c. None of these transcripts have been released to the public. Numerous other documents have been released to the public particularly when doing so has suited the interests of the United States government.
 - d. These prior hearings were open to the public and were attended by members of the world press who reported on the hearings.
4. **Argument:**

The Commission has previously noted the right of the public to access military commission documents:

The public has a qualified right to attend public trials. *See In Re Times Publ. Co*, 1997 U.S. Dist. Lexis 11139 (M.D. FL). This right of access to judicial proceedings applies to written documents submitted in connection with those proceedings that themselves implicate the right to access, to include motions, filings, pleadings, orders and like military commission documents. *See, e.g., United States v. Valenti*, 987 F.2d 708 (11th Cir. 1993).

Order dated 18 March 2009, page 2 (D-101) (Denying Defense Motion for Special Relief: Objection to Public Release of Statement Filed with Military Commission on 1 March 2009 By Pro Se Accused).

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Transcripts of the prior hearings are commission documents and for the same reason, should be released to the public.

Further, media and press from throughout the world have attended and reported on commission hearings. Some of the information released by the press has been inaccurate including statements attributed to Mr. Mohammed. Additionally, the reporting on commission proceedings has been incomplete. Full transcripts of these proceedings should be released so that the public has access to a full and accurate record of what has occurred at these proceedings and what has been said.

Khalid Sheikh Mohammed
pro se

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